Pearson BTEC Level 3 Nationals Extended Certificate

Paper reference **20170K**

Applied Law

UNIT 3: Applying the Law

Part A

You do not need any other materials.

Instructions

- **Part A** contains material for the completion of the preparatory work for the Set Task in **Part B**.
- **Part A** is given to learners two weeks before **Part B** is scheduled. Learners are advised to spend no more than six hours on **Part A**.
- **Part A** must be given to learners on the date specified by Pearson so that learners can prepare in the way specified.
- **Part A** is specific to each series and this material must only be issued to learners who have been entered to take the task in that series.
- **Part B** materials for the Set Task must only be issued to learners on the date specified by Pearson.

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Instructions to Teachers/Tutors

This paper must be read in conjunction with information on conduct for the task in the unit specification and the *BTEC Nationals Instructions for Conducting External Assessments (ICEA)* document. For further details please see the Pearson website.

This Set Task has a preparatory period. **Part A** sets out how learners should prepare for the completion of the task under supervised conditions.

Learners should undertake independent research on the **Part A** Set Task Information given in this booklet.

Learners are advised to spend no more than six hours undertaking **Part A**.

Centres must issue this booklet at the appropriate time and advise learners of the timetabled sessions during which they can prepare. It is expected that scheduled lessons or other timetabled slots will be used for some or all of the preparation.

Learners may prepare summary notes on the cases. Learners may take up to two sides of A4 notes into the supervised assessment period (**Part B**). Learner notes must only contain details of legal principles and authorities, such as case law and statute law. Learner notes must also comply with the guidelines stated in the Administrative Support Guide for this unit.

Teachers/tutors cannot give any guidance or feedback to learners in the preparation of assessment notes, which must be completed independently by the learner.

The **Part B** supervised assessment will take place in a timetabled slot on a date specified by Pearson.

Refer carefully to the instructions in this booklet and the *BTEC Nationals Instructions for Conducting External Assessments (ICEA)* document to ensure that the preparatory period is conducted correctly so that learners have completed their preparation validly and independently.

Learners' notes will be retained securely by the centre after the **Part B** supervised assessment and may be requested by Pearson if there is suspected malpractice.

Instructions for Learners

Read the Set Task Brief and Set Task Information carefully.

This contains **Part A** of the information you need to prepare for the Set Task in **Part B**.

In **Part B** you will be given detailed information. Use this **Part A** booklet to prepare by relating your learning to the specific information given.

You must work independently and must not share your work with other learners.

Your teacher/tutor may give you guidance on when you can complete the preparation.

Your teacher/tutor cannot give you guidance or feedback in the preparation of your assessment notes.

Set Task Brief

You must research the law relating to the extracts in the **Part A** Set Task Information.

You need to know about the different types of homicide (murder, voluntary manslaughter and involuntary manslaughter) and police powers.

You need to know about the law relating to offences against property and any general defences that may be raised.

In **Part B** you will need to apply your research to the new information provided.

Using this **Part A** booklet, you may prepare short notes to refer to when completing the Set Task in **Part B**, for example on specific cases. Your notes may be up to two sides of A4. Your notes must only contain details of legal principles and authorities, such as case law and statute law.

You should spend no more than six hours on this research.

Part A Set Task Information

Article 1 – Homicide

Man held in connection with death of brother-in-law

Kevin Gallo, 33, has been detained by the police after an incident at his sister's home. It is alleged that he suddenly lost his temper and used a hammer to beat his brother-in-law, Daniel, to death.

Article 2 – Offences against Property

Woman questioned in connection with house fire

Mariam Johansson is being questioned by the police. It is alleged that she set fire to her boyfriend's house in the early hours of Saturday morning.

Pearson BTEC Level 3 Nationals Extended Certificate

Supervised hours 2 hours

Paper reference **20170K**

Applied Law

UNIT 3: Applying the Law

Part B

You must have:
Your prepared notes from **Part A** (maximum two A4 sides).

Instructions

- **Part B** contains material for the completion of the Set Task under supervised conditions.
- **Part B** should be undertaken by learners in two hours on the date specified by Pearson.
- **Part B** is specific to each series and this material must only be issued to learners who have been entered to undertake the task in that series.
- **Part B** should be kept securely until the start of the supervised assessment periods.

Information

- The total mark for this Set Task is 72.

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Instructions to Teachers/Tutors and/or Invigilators

This paper must be read in conjunction with the information on conduct for the task in the unit specification and in the *BTEC Nationals Instructions for Conducting External Assessments (ICEA)* document. For further details please see the Pearson website.

The **Part B** Set Task is undertaken under supervision in a single session of two hours on the timetabled date.

The **Part B** Set Task requires learners to apply research. Learners should bring in notes as defined in **Part A**. The teacher/tutor and/or invigilator needs to ensure that notes comply with the requirements set out in the Administrative Support Guide for this unit.

Learners will need to complete the activities for the **Part B** Set Task using a computer.

The **Part B** Set Task is undertaken in a single session of two hours in a timetabled period. In order to enable learners to have access to computer resources, a period of one day is provided for centres to timetable the assessment.

Centres should schedule all learners in the same session if possible and must release **Part B** to individual learners only for their scheduled session.

Learner work must be completed independently and authenticated before being submitted to Pearson by the teacher/tutor and/or invigilator.

Learners must not bring anything into the supervised environment or take anything out of it without teacher/tutor and/or invigilator knowledge and approval.

Centres are responsible for putting in place appropriate checks to ensure that only permitted material is introduced into the supervised environment.

Maintaining security

- During supervised assessment periods, the assessment areas must be accessible only to the individual learners and to named members of staff.
- Learners can access their work only under supervision.
- Any work that learners produce under supervision must be kept securely.
- Any materials being used by learners must be collected in at the end and retained by the centre.
- Learner notes related to **Part A** must be checked to ensure length and contents comply with the requirements. Learner notes will be retained securely by the centre after **Part B** has been undertaken and may be requested by Pearson if there is suspected malpractice.

Outcomes for submission

Learners will need to submit three documents on completion of the supervised assessment period:

- a report for Activity 1
- a report for Activity 2
- a completed Declaration of Authenticity.

Instructions for Learners

Read the activities **and** the Set Task Information carefully.

You have a total of two hours in this session to complete the task.

You should use the notes you prepared during **Part A** to complete this Set Task.

Your notes must be your own work and will be retained by your centre until results are issued.

You will complete this Set Task under supervision and your work will be kept securely at all times.

You must work independently throughout the supervised assessment period and must not share your work with other learners.

You should complete **both** activities.

Outcomes for submission

You will need to submit three documents on completion of the supervised assessment period:

- a report for Activity 1
- a report for Activity 2
- a completed Declaration of Authenticity.

Your work must be word processed in size 12-point font.

Your prepared notes do not need to be submitted with the final outcomes to Pearson.

Set Task

You should complete **both** activities.

Using the information provided in the Set Task Information and your notes from **Part A**, complete the following activities.

Activity 1: Homicide

Refer to your notes for the preparatory work completed in **Part A** and the new information provided in **Activity 1 – Homicide Case Facts** of the Set Task Information.

You are shadowing a barrister who has been instructed to defend the case of Kevin Gallo. The case involves the death of Daniel Thomsen, Kevin's brother-in-law. It is alleged that Kevin beat Daniel to death with a hammer. The barrister has provided you with the facts of the case and would like you to decide how the law of homicide applies to Kevin and whether or not the police exercised their powers lawfully.

You are required to produce a report for the barrister on the case that:

- shows your understanding of the relevant law of homicide and police powers
- shows how the relevant law of homicide and police powers apply to this case
- establishes the likely outcomes of the case.

(Total for Activity 1 = 36 marks)

Activity 2: Offences against Property

Refer to your notes for the preparatory work completed in **Part A** and the new information provided in **Activity 2 – Offences against Property Case Facts** of the Set Task Information.

The barrister you are shadowing is also preparing a case for Mariam Johansson, who has been charged after setting fire to her boyfriend's home.

Produce a report for the case file that:

- shows your understanding of any relevant property offences and any possible defence
- shows how any relevant property offences and any possible defence would apply to this case
- establishes the likely outcomes of the case.

(Total for Activity 2 = 36 marks)

TOTAL FOR PAPER = 72 MARKS

Set Task Information

Activity 1 – Homicide Case Facts

Kevin Gallo (aged 33) was charged by the police on Friday morning after the death of Daniel Thomsen. It is alleged that Kevin beat Daniel to death with a hammer and fled the scene.

Investigations of the incident by the police have established the following facts:

- Kevin was at his sister Renee's home, where she lived with her husband, Daniel. Daniel was known to be violent towards Renee and had attacked her on numerous occasions.
- A few weeks ago, Daniel had thrown Renee down the stairs, breaking her arm. Renee had made Daniel move out of the home, but last week she decided to allow him to move back in.
- Kevin was angry at the way Daniel treated Renee and was not happy at the decision to allow him to move back into their home. He was worried that Daniel would attack Renee again.
- On the evening of the incident, Kevin, Renee and Daniel had been having a meal together. When Renee was clearing the table she knocked a drink over and it spilled onto the table. Daniel shouted at Renee and called her a 'stupid woman'. He said that if she didn't clear the drink up quickly he would give her another beating.
- Kevin told Daniel to stop treating his sister that way. He said that Daniel should never have been allowed to move back into their home because of what he had done to Renee a few weeks ago. Daniel began laughing about throwing Renee down the stairs and made several nasty comments about her.
- Daniel's comments made Kevin very angry. He saw a hammer on the table in the corner of the room. Kevin ran to the table, picked up the hammer and then began repeatedly hitting Daniel on the head with it, shouting 'die'. Daniel died instantly. Kevin then ran from the scene.

During Kevin's first meeting with his solicitor, Kevin alleged that he was not treated fairly by the police when they stopped and searched him after the incident. He has said:

- When he returned home, two police officers approached him in his front garden and searched him.
- When they were searching him they told him it was in connection with a suspected murder.
- Neither of the police officers told him their names or the police station they were from.

Activity 2 – Offences against Property Case Facts

Mariam Johansson has been charged after setting fire to her boyfriend's home.

Investigations of the incident by the police have established the following facts:

- Mariam left her house in the early hours of Saturday morning to go to her boyfriend Jack's house. Jack was away for the weekend with his friends. She planned to go to his house and set fire to his garage, where he kept his expensive home gym equipment.
- Mariam knew that Jack's next-door neighbours had a CCTV camera. She took a can of spray paint with her to paint over its lens so she would not be seen.
- Knowing that Jack usually left a window open for ventilation, Mariam went to the garage with a can of petrol. She then poured petrol through the window, lit a match and dropped it into the garage. A fire broke out and quickly spread. As a result, both the garage and the home gym equipment in it were destroyed.
- When questioned by the police, Mariam said that she set fire to the garage and the gym equipment because she had been threatened into doing it by a man called Gabriel.
- Jack had borrowed money from Gabriel to buy the expensive home gym equipment, but he had refused to repay him. Gabriel was angry about Jack's refusal and decided to scare him into paying. He knew that Mariam was Jack's girlfriend and that she would know where Jack lived and where he kept the gym equipment. Gabriel decided to force her to do something to frighten Jack.
- Mariam told the police that Gabriel had sent her a text on Friday night telling her to set fire to Jack's gym equipment as a way of scaring Jack into repaying him. Gabriel told Mariam that if she did not do this by Saturday night, he would give her a severe beating.

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